

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|---|---|--------------------------|
| THE CITY OF PROVIDENCE, Individually and on Behalf of All Others Similarly Situated, |) | |
| |) | No. 11-CV-7132 (CM)(GWG) |
| |) | |
| Plaintiff, |) | <u>CLASS ACTION</u> |
| |) | |
| vs. |) | |
| |) | |
| AEROPOSTALE, INC., THOMAS P. JOHNSON |) | |
| and MARC D. MILLER, |) | |
| |) | |
| Defendants. |) | |
| |) | |

**LEAD PLAINTIFF’S NOTICE OF MOTION AND MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT AND APPROVAL OF NOTICE TO THE CLASS**

PLEASE TAKE NOTICE that Lead Plaintiff, the City of Providence (“Lead Plaintiff”), on behalf of the proposed Class, respectfully moves this Court for an Order, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, (a) preliminarily approving the proposed Settlement; (b) approving the proposed form of the Notice and Summary Notice; (c) approving the proposed methods of disseminating notice; (d) setting a date for the Settlement Hearing; and (e) such other and further relief as this Court deems just and proper. Defendants will not oppose the motion.

Lead Plaintiff is contemporaneously filing a Memorandum and accompanying Declaration of Jonathan Gardner and exhibits attached thereto, incorporated herein by reference, in support of this Motion.

A proposed Order Granting Preliminary Approval of Class Action Settlement, Approving Form and Manner of Notice, and Setting Date for Hearing on Final Approval of Settlement is submitted herewith.

Dated: January 29, 2014

Respectfully submitted,

LABATON SUCHAROW LLP

By: /s/ Jonathan Gardner

Jonathan Gardner

Eric J. Belfi

Mark Goldman

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| |) | |
| Defendants. |) | |
| |) | |

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2014, I caused the foregoing:

- Lead Plaintiff's Notice of Motion and Motion for Preliminary Approval of Settlement and Approval of Notice to the Class;
- Memorandum of Law In Support of Lead Plaintiff's Motion for Preliminary Approval of Settlement and Approval of Notice to the Class;
- Declaration of Jonathan Gardner In Support of Lead Plaintiff's Motion for Preliminary Approval of Settlement and Approval of Notice to the Class, with exhibits; and
- Proposed Preliminary Approval Order, with exhibits

to be served electronically on all parties listed on the attached Electronic Mail Notice List.

/s/ Jonathan Gardner
Jonathan Gardner

Mailing Information for a Case 1:11-cv-07132-CM

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)